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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.)
)
JULIAN RAY GARCIA,)
)
Defendant.)
_____)

CASE NO. CR.S-05-011 GEB

**STIPULATION CONTINUING TRIAL
AND TRIAL CONFIRMATION
HEARING, AND SETTING STATUS
CONFERENCE; ORDER (proposed)**

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At present, the trial in this case is scheduled to commence on November 8, 2005, and the trial confirmation hearing ("TCH") scheduled for October 14, 2005. The parties have made an apparent break-through in plea negotiations and it appears that the case is going to settle. Before that happens, additional work must be accomplished (e.g., additional investigation, drafting of plea agreement, going over the plea agreement with the defendant and preparing the defendant for his entry of plea), which will take some time. It is therefore requested that the November 8th trial date and the October 14th TCH date be vacated and the case set for a status conference/change of plea on November 4, 2005, at 9:00 a.m. It is also requested that the time period between today's date and November 4th be excluded from calculation under the Speedy Trial Act, pursuant to 18 U.S.C. § 3161(h)(8)(iv) (time necessary for effective preparation, taking into account the exercise of due diligence).

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1 Defense counsel joins in this request and has given government counsel permission to sign
2 this document on his behalf.

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4 Dated: October 12, 2005

5 MCGREGOR W. SCOTT
6 U.S. Attorney

7 by /s/
8 RICHARD J. BENDER
9 Assistant U.S. Attorney

10 Dated: October 12, 2005

11 /s/
12 BRUCE LOCKE
13 Attorney for Julian Ray Garcia

14 **ORDER**

15 It is so ORDERED.

16 DATED: October 14, 2005

17 /s/ Garland E. Burrell, Jr.
18 GARLAND E. BURRELL, JR.
19 United States District Judge
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